

REMARKS

Upon entry of this paper, claims 1, 16, 23, 30, and 37 have been amended, claims 7, 11, 12, 13, 18, 19, 20, 26, 27, 33, 34, 41, 42, and 45-51 have been cancelled (either herein or previously), and no claims have been added as new claims. Thus, claims 1-6, 8-10, 14-17, 21-25, 28-32, 35-40, 43, and 44 are presently pending in this application. No new matter has been added. The cancellation of claims 11, 12, 13, 18, 19, 20, 26, 27, 33, 34, 41, and 42 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 11, 12, 13, 18, 19, 20, 26, 27, 33, 34, 41, and 42 are being canceled solely to expedite the prosecution of the present application. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

In the most recent Office Action, the Examiner indicated in paragraph 5 that claims 13, 20, 27, 34, and 42 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended the claims herein to incorporate the above allowable claims into the corresponding base claims with intervening limitations included. As such, Applicant believes the pending application to be allowable upon entry of the present amendment.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-10, 12, and 14-15 were rejected as being unpatentable under 35 U.S.C. §103(a) over Agrawal in view of Manchester. Additionally, claims 16-19, 21-26, 28-33, 35-41, 43 and 44 are further rejected under 35 U.S.C §103 (a) as being unpatentable over Agrawal in view of Manchester, and further in view of Fukushima et al.

As discussed above, Applicant has amended all independent claims (1, 16, 23, 30, and 37) to include the limitations of claims stated by the Examiner as having allowable subject matter (namely claims 13, 20, 27, 34, and 42) with the inclusion of subject matter from any intervening claims.

The amendment provided herein, as indicated by the Examiner, now places the present application in condition for allowance. Specifically, the Office Action applies Agrawal, Manchester, and Fukushima in various combinations to establish the stated rejections. Relative to the rejection of claims 1-10, 12, and 14-15, the combination of Agrawal and Manchester fails to disclose, teach, or suggest, the method of restoring a diversely routed circuit in a mesh network, having the steps including initiating, sending and then receiving “one or more triggers . . . determining whether a switch has occurred at one of said source and destination nodes, and calculating according to a predetermined algorithm whether to switch one of said source and destination nodes to a second path; when said algorithm calculates that a switch is required and that said switch has not already occurred, switching from said first path to a functional second path, prompted at least partially by said one or more triggers, to restore said circuit; and restoring said first path to a functional path.” See claim 1. Absent the switch functionality in combination with the use of the triggers, the prior art fails to preclude patentability of the claims as amended; this recognition is confirmed by the Examiner’s comments regarding allowability. As such, Applicant respectfully request reconsideration and withdrawal of this rejection.

Relative to the rejection of claims 16-19, 21-26, 28-33, 35-41, 43 and 44, the independent claims of this subset of claims (namely claims 16, 23, 30, and 37) have all been amended to include the above referenced language. The combination of Agrawal and Manchester fails to disclose, teach, or suggest the claimed subject matter. The addition of Fukushima in combination with Agrawal and Manchester still fails to cure the deficiencies of the Agrawal/Manchester combination with respect to the amended claim characteristics, as confirmed by the Examiners indication of allowability. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

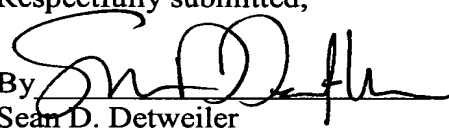
CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any further outstanding issues of patentability following the entry of this amendment, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080 under order No. SYCS-010. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: September 14, 2005

Respectfully submitted,

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